IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

C.R.No. 4756 of 2006

Date of decision : 11.9.2006.

Ranjit

.....Petitioner.

Versus

Smt. Ram Kali & Ors.

.....Respondents.

CORAM : HON'BLE MR. JUSTICE VINOD K. SHARMA

Present : Mr. Adish Gupta, Advocate
for the petitioner.

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VINOD K. SHARMA,J.(ORAL)

This revision petition has been filed against the order dated 24.8.2006 passed by the learned Civil Judge (Jr.Divn.),Faridabad, declining the application under Order 6 Rule 17 C.P.C. for amendment of the petition.

The learned Court below has rejected the application by holding that the case was fixed for rebuttal evidence and it was last opportunity and application has been filed to delay the proceedings as the amendment sought was very much within the knowledge of the petitioner before framing of the issues.

The learned counsel for the petitioner contends that the petitioner is a rustic villager and, therefore, was not able to instruct his counsel properly at the time of filing of the petition. It was next contended that alternative relief can always be claimed and therefore it was open to the petitioner to seek amendment. Order 6 Rule 17 C.P.C. has been amended in order to restrict the amendment of the petition after the trial has

commenced unless it is shown that in spite of due diligence the amendment sought could not be incorporated in the original plaint. In the present case, it cannot be said that the amendment sought was not within the knowledge of the petitioner at the time of filing of the suit.

Therefore, there is no error or illegality in the order passed by the trial Court which may call for interference by this Court under Article 227 of the Constitution of India.

Dismissed.

September 11,2006 **(VINOD K. SHARMA)**
'sp' **JUDGE**